IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

WP(C).No. 23308 of 2006(Y)

PETITIONER:

H.VIJAYAKUMAR, PARANATHUKARI VEEDU,
RAMESWARAM VILLAGE, NEYYATTINKARA VILLAGE,
RAMESWARAM WARD, NEYYATTINKARA, TRIVANDRUM.

BY ADV. SRI.A.KRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, TRIVANDRUM.

2. THE SECRETARY, NEYYATTINKARA
MUNICIPALITY, NEYYATTINKARA.

3. LALITHA, W/O.BALARAJ,
BIJU BHAVAN, AMARAVILA POST, RAMESWARAM WARD,
NEYYATTINKARA.

4. MOHANDAS, S/O.DASAN NADAR,
VARIKKAPPILAVILA VEEDU, RAMESWARAM WARD,
NEYYATTINKARA.

5. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD,
UDIUANKULANGARA, (MAJOR SECTION), NEYYATTINKARA.
BY G.P. SRI.MATHEW G.VADAKKAL
BY SRI.JOSE J.MATHEIKEL (SC)

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL
SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 23308 of 2006

Dated this 14th day of December, 2006

JUDGMENT

The learned counsel for the 2nd respondent Municipality and the learned counsel for the 3rd respondent Councilor submits that the proposal is to draw electric line over the public pathway only. Sri.A.Krishnan, the learned counsel for the petitioner submits that the proposal is to draw line over the property belonging to the petitioner. Sri.Jose J.Matheikel, the learned Standing Counsel for the Electricity Board would submit that if it becomes necessary to draw lines over the property belonging to the petitioner or the property over which the petitioner has claim of ownership or possession, it will be necessary to proceed with the matter in accordance with the Indian Electricity and Telegraph Act and refer the issue to the District Magistrate concerned. Under these circumstances, this writ petition will stand disposed of with the following directions:

If the 5th respondent finds on his inspection of the properties that it is necessary to draw the proposed electricity

line through any property belonging to the petitioner or the property over which the petitioner has claim of ownership or possession, the 5th respondent will have to proceed with the matter according to the provisions of Indian Electricity and Telegraph Act. This will be done by the 5th respondent after conducting inspection at his earliest and at any rate within three weeks of receiving a copy of this judgment. It is needless to mention that if the inspection reveals that the lines will have to drawn only through the public pathway, it will not be necessary to refer the matter.

The learned Standing Counsel for the Municipality submits that there is no proposal to widen the pathway. Line is gong to be drawn draw only over the existing pathway. The above submissions are recorded.

PIUS C.KURIAKOSE
Judge

dpk